

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

\*\*\*\*\*  
William Soler Justice, \*  
\*  
Plaintiff, \*  
v. \* Civil No. 1:20-cv-00517-PB  
\*  
Christopher T. Sununu, et al., \*  
\*  
Defendants. \*  
\*\*\*\*\*

**COMMISSIONER HANKS' OBJECTION TO PLAINTIFF'S MOTION TO COMPEL**

Defendant, Commissioner Helen Hanks, by and through counsel, the New Hampshire Office the Attorney General, hereby responds to Plaintiff's Motion to Compel as follows:

1. The Amended Report and Recommendation (ECF No. 29), approved by Court Order on January 12, 2023 (ECF No. 31), allowed certain claims to move forward related to allegations of use of force while Plaintiff was civilly committed in 2018 and 2019. This Court additionally allowed a Fourteenth Amendment claim to move forward against Commissioner Hanks regarding training of SPU employees. This Court dismissed several claims by Plaintiff, including Claim 9, which asserted that "Defendants violated [Plaintiff's] Fourteenth Amendment right to receive adequate mental health treatment at the SPU as that facility is neither licensed nor accredited as a mental health treatment facility." R&R at 13 (ECF No. 29). This Court found that Plaintiff "does not assert facts demonstrating that any defendant to this action failed to exercise reasonable professional judgment in providing or failing to provide Mr. Justice with mental health care." R&R at 26. This claim was therefore dismissed for "fail[ing] to state a claim which relief might be granted." R&R at 26. Despite the Court dismissing this claim, Plaintiff

requested interrogatories related to licensing and other extraneous policy issues in his requests to the Commissioner.

2. Plaintiff provided interrogatory requests to Commissioner Hanks on December 11, 2023. The majority of Plaintiff's interrogatory requests seek information related Claim 9 or other policy issues, such as licensing or the role of the SPU as it relates to the Department of Corrections. It is unclear how the majority of Plaintiff's interrogatory requests relate to any claims or defenses in this case.

3. Commissioner Hanks responded to Plaintiff's Interrogatories on January 12, 2024 (after receiving Plaintiff's assent to extending the deadline to respond). In her responses, she set forth several objections to Plaintiff's Interrogatory requests, including that many of the requests do not appear to have any relevance to the subject matter of this litigation and are therefore not within the scope of discovery. Rule 26(b) ("Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case..."). Commissioner Hanks' Response to Plaintiff's First Set of Interrogatories is attached as Exhibit A. She incorporates each of her objections set forth in her response to Plaintiff's Interrogatories into this Objection. Commissioner Hanks further notes that, since many of Plaintiff's requests were unclear and/or vague, Defendant was unable to fully assess whether Plaintiff's requests would additionally be unduly burdensome, and reserves her right to object to Plaintiff's requests on this basis as well.

WHEREFORE, Commissioner Hanks respectfully request that this Honorable Court:

- A. Deny Plaintiff's Motion to Compel; and
- B. Grant any further relief as justice so requires.

Respectfully submitted,

COMMISSIONER HELEN HANKS

By her attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Dated: February 26, 2024

/s/ Catherine Denny  
Catherine A. Denny, Bar No. 275344  
Assistant Attorney General  
Civil Litigation Unit  
NH Department of Justice  
1 Granite Place South  
Concord, NH 03301  
Catherine.a.denny@doj.nh.gov  
(603) 271-1354

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent by ECF to counsel of record and was mailed to Plaintiff at 51 Storrs St., #310, Concord, NH 03301 on this same date.

Dated: February 26, 2024

/s/ Catherine Denny  
Catherine A. Denny